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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,223	07/19/2001	Henning Zschau	RBL0076	2652

7590

07/25/2002

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/831,223

Applicant(s)  
Zschau

Examiner  
Lincoln Donovan

Art Unit  
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 9, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, lines 1-2, applicant should clarify the arrangement of the drive in the spring bracket. In lines 3-4, there is no antecedent basis for "the respective spring bracket." In line 4, there is no antecedent basis for "the contact spring" or "respective connection contacts." In lines 5-8, the specific structure intended by "the relay is mechanically couple able with at least one further relay...zone of the respective coupling devices" is unclear. In lines 5-6, the phrase "of the same kind" is unclear. In lines 6, there is no antecedent basis for "respective coupling elements of the spring brackets." In line 7, there is no antecedent basis for "electric connections contacts of the contact springs." In line 8, there is no antecedent basis for "zone of respective coupling devices." In line 9, there is no antecedent basis for "the coupled relays." In lines 9-10, applicant should clarify the mirror image symmetry of the final relay construction. Claims 22-38 inherit the defects of the parent claim.

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Regarding claim 22, applicant should clarify the structure of the brackets being “electrically coupled with one another over the coupling element.”

Regarding claims 23 and 31, there is no antecedent basis for “the coupling of the coupling element.” Applicant should clarify how the “coupling of the coupling element” is releasably engaged.

Regarding claims 24 and 32, there is no antecedent basis for “the coupling of the coupling element.” Applicant should clarify how the “coupling of the coupling element” is not releasably engaged. The coupling for the coupling element being “not” releasably engaged is a negative limitation. Applicant should claim what the structure does and not what it does not.

Regarding claim 25, line 3, there is no antecedent basis for “the respective coupled relays.” In line 4, applicant should clarify the structure of the partition wall engagement.

Regarding claim 26, the phrase “are suited” is not clear.

Regarding claim 27, applicant should clarify the intended structure.

Regarding claim 29, the term “whereby” is unclear because, it has been held that the functional “whereby” statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957). There is no antecedent basis for “the two spring brackets.”

Regarding claim 33, line 3, there is no antecedent basis for “the respective coupled relays.” In line 4, applicant should clarify the structure of the partition wall engagement.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-38, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura et al. [US 4,947,146] in view of Corcoran [US 6,081,177].

Ichimura et al. discloses an electromagnetic contactor/relay comprising:

- a drive element [11a]
- an actuator [51] cooperating with the drive element;
- a first plurality of stationary contact elements [58];
- a second plurality of stationary contact elements [58a];
- a plurality of movable contact elements [60]; and
- a coupling member [49, 72] cooperating with the actuator to engage/disengage the contact

sets.

Ichimura et al. disclose the instant claimed invention except for: the specific use of spring contacts, their mounting within the actuator and the specific arrangement thereof.

Corcoran discloses the use of spring contacts being used in a relay having first and second contact sets utilizing a single actuator.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use spring contact design of Corcoran for the contacts of Ichimura et al., for the purpose of providing biasing force on the actuator member.

Corcoran discloses the contact sets being inserted into grooves within a base support portion.

The specific mounting of the spring contacts would have been an obvious design consideration based on the intended operating environment and application of the device.

The arrangement of cooperation of the spring contacts with each other would have been an obvious design consideration based on the intended switching applications and loads.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 21-38 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDD

July 22, 2002

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100